

ORIGINAL

1

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

BOBBY GARRISON,

Plaintiff,

Vs.

CASE NUMBER  
2:05-CV-549

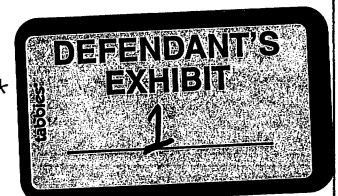
MONTGOMERY COUNTY BOARD  
OF EDUCATION, et al.,

Defendants.

\* \* \* \* \*

DEPOSITION OF BOBBY GARRISON, taken  
pursuant to stipulation and agreement before Lisa  
J. Nix, Registered Professional Reporter and  
Commissioner for the State of Alabama at Large, in  
the Law Offices of Hill, Hill, Carter, Franco, Cole  
& Black, 425 South Perry Street, Montgomery,  
Alabama on Thursday, December 1, 2005, commencing  
at approximately 3:05 p.m.

\* \* \* \* \*



1 A. 4-24-58.

2 Q. And for the record, what's your race?

3 A. Black.

4 Q. Where were you born?

5 A. Montgomery, Alabama.

6 Q. Okay. What's your current phone number?

7 A. 334 area code, 270-7804.

8 Q. And where do you live right now?

9 A. 8219 Parkview Court.

10 Q. And how long have you been on Parkview  
11 Court?

12 A. 12 years.

13 Q. Is that Parkview one word or Parkview two  
14 words?

15 A. One word.

16 Q. Are you married now?

17 A. Divorced.

18 Q. How long have you been divorced?

19 A. Five years.

20 Q. What was your wife's name?

21 A. Nettie Garrison.

22 Q. I have to ask these sorts of questions --  
23 I'm not trying to be nosy on purpose.

1 A. Yes.

2 Q. And according to that charge which was date  
3 stamped by the EEOC on December 18, 2004,  
4 you claim that you were discriminated  
5 against because of your race and that you  
6 were terminated for reporting that  
7 discrimination; is that correct?

8 A. Yes.

9 Q. And this document down here indicates that  
10 this is an amended charge and that the  
11 original charge was filed on June 29th. Do  
12 you see that?

13 A. Uh-huh. (Positive response.)

14 Q. Do you have a copy of the original charge?

15 A. I don't.

16 Q. Do you remember why you had to amend the  
17 charge or why you wanted to amend the  
18 charge?

19 A. No.

20 Q. Do you recall the difference between that  
21 charge and whatever you initially filed  
22 with the EEOC?

23 A. I don't.

1 A. Yes.

2 Q. All right. Let's talk about your job with  
3 the Board. How did you come to work for  
4 the Board?

5 A. I applied with the Board as a Laborer 1  
6 with Donald Dotson as the director, and  
7 that -- after my job from Durr had  
8 expired. And I started working with them  
9 as a Laborer 1.

10 Q. How did you know a position was open?

11 A. Through my sister.

12 Q. Your sister?

13 A. Yeah.

14 Q. Did she work for the Board as well?

15 A. Yes.

16 Q. And did you fill out an application?

17 A. Yes.

18 (Defendant's Exhibits 5 and 6 were  
19 marked for identification.)

20 Q. Let me show you what I've marked as Exhibit  
21 5 and Exhibit 6 which appears to be a copy  
22 of your application and your resume. Just  
23 confirm for me that's what those are.

1 A. That's it.

2 Q. Okay. And up at the top of Exhibit 5, it  
3 says that you're applying for a Laborer 1  
4 or -- I think it's a mason, a cement mason;  
5 is that correct?

6 A. Yeah.

7 Q. If you'll flip to paragraph 19 in Exhibit 4  
8 which is your complaint --

9 I'll just set these aside.

10 A. Okay.

11 Q. Paragraph 19 -- I'm summarizing -- it says  
12 that you had a lot of good qualities and  
13 experience, yet you were hired as a Laborer  
14 1. That was the position that you applied  
15 for, right?

16 A. Yeah.

17 Q. Did you have an interview?

18 A. Yes.

19 Q. Who interviewed you?

20 A. Donald Dotson.

21 Q. Did you have a problem with the fact that  
22 you were hired as a Laborer 1?

23 A. No.

1 Q. Okay. And so when did you begin working  
2 for the Board? And I'll show you --

3 (Defendant's Exhibit 7 was marked  
4 for identification.)

5 Q. I'll show you what I've marked as Exhibit  
6 7.

7 A. Where is the application?

8 Q. I'm sorry? The application is here. When  
9 did you begin working for the Board?

10 A. Whatever date on the application. What  
11 date is on the application?

12 Q. Let me show you Exhibit 7, and that appears  
13 to be your appointment letter appointing  
14 you to your position as Laborer 1; is that  
15 correct?

16 A. Yes.

17 Q. And according to this, it shows an  
18 effective date for your employment of April  
19 15th. Does that sound about right?

20 A. Yes.

21 Q. Were you aware that this was going to be a  
22 probationary position for three years?

23 A. Yes.

1 Q. And would you agree that the Board had the  
2 right to non-renew you for any reason as  
3 long as that reason was not illegal?

4 A. No.

5 Q. Were you aware of that or were you not  
6 aware of that?

7 A. Yes, I was aware of that if you weren't  
8 tenured.

9 Q. Okay. And so if -- they could non-renew  
10 you for any reason as long as it wasn't an  
11 illegal reason?

12 A. Yes.

13 Q. And were you aware that the Board could  
14 non-renew you without giving you a reason  
15 within those three years?

16 A. Yeah.

17 Q. When you were hired as a Laborer 1, what  
18 did you understand your day-to-day duties  
19 to be?

20 A. A Laborer 1 position is anything that -- in  
21 the area of the Board, the facility, we  
22 would work as -- normally, we was hauling  
23 computers, going around and picking up

1 computers and different things.

2 Q. Was it kind of whatever needs to be done?

3 Is that fair to say?

4 A. Yes.

5 (Defendant's Exhibit 8 was marked

6 for identification.)

7 Q. Let me show you what I've marked as Exhibit  
8 8 which is a job posting that I got from  
9 your attorney for a Laborer 1 position.  
10 It's actually a 2004.

11 And if you'll look down at the duties  
12 and responsibilities, does that look any  
13 different -- I don't know if you ever saw a  
14 copy of the job posting for what you  
15 applied for. But is that a fair  
16 representation of what the duties and  
17 responsibilities were for your position as  
18 well?

19 A. Yeah.

20 Q. And were there any substantive differences  
21 between the job that you were hired for and  
22 what's represented there in Exhibit 8?

23 A. Say that again.



1 Q. Were there any differences between what you  
2 were hired to do and what's listed here as  
3 potential and possible job responsibilities  
4 in Exhibit 8?

5 A. Okay. I was hired to do these things, but  
6 the job that I was doing wasn't on here.

7 COURT REPORTER: I'm sorry? The  
8 job that you were doing?

9 THE WITNESS: Is not stated on  
10 this sheet.

11 Q. And what are you referring to, the job that  
12 you were doing?

13 A. Cutting grass, washing cars.

14 Q. What department did you work in?

15 A. The Logistics department.

16 Q. And when you were hired, who was over that  
17 department?

18 A. Donald Dotson.

19 Q. What was his race?

20 A. Black.

21 Q. Was he your immediate supervisor?

22 A. He was the director of Logistics.

23 Q. Was he the one who would evaluate you and

1           give you job assignments?

2       A.    Yes.

3       Q.    Did you have any problems with the way  
4           Mr. Dotson treated you between April 2002  
5           when you were hired and, say, the end of  
6           that school year, the '02-03 school year?

7       A.    No.

8       Q.    What about anybody else in that department  
9           during that first year and few months that  
10          you were hired?

11      A.    No.

12      Q.    Are you aware of any concerns or problems  
13          Mr. Dotson may have had with you or your  
14          job performance?

15      A.    We didn't have a problem that I ...

16      Q.    Did you work offsite sometimes?

17      A.    Yes.

18      Q.    Do you know if he received complaints that  
19          when you were offsite, you wouldn't do your  
20          work as well?

21      A.    No.

22      Q.    Did he ever talk to you about that?

23      A.    No.

1 Q. Did he ever talk to you about a concern he  
2 had about you not getting along with your  
3 co-workers?

4 A. Yes, he had mentioned something about that.

5 Q. What did he say?

6 A. Well, it wasn't just a -- He never came  
7 right up and said that you is having a  
8 problem with someone that was working, I'm  
9 not going to let you work with them. He  
10 would just say, what are y'all doing out  
11 there? That was it. It wasn't nothing  
12 like there was a negative eyesight he had  
13 on me or anything like that.

14 Q. I'm just trying to understand what you  
15 said. I'm sorry. Can you tell me again  
16 what --

17 A. It wasn't like he was just -- you know,  
18 like I'm sitting, looking at you, and he  
19 was holding me liable for that, that I  
20 couldn't get along --

21 Q. He didn't call you in and reprimand you?

22 A. No.

23 Q. Just tell me what he -- And that's fine.

1           9 and ask you if you recognize that.

2       A.    Yeah.

3       Q.    Did you write that letter to Mr. Todd?

4       A.    Yeah.

5       Q.    In that letter, you appear to make a  
6           complaint regarding Mr. Todd reprimanding  
7           you in front of employees --

8       A.    Yeah.

9       Q.    -- as well as some other comments that you  
10          made which I'm going to ask you about.

11            You referred to a meeting on August  
12          12th in that letter.  Who all was in that  
13          meeting?

14       A.    Jacky Todd, Mike Strength, Lewis Gunter,  
15          Ronnie Cosby, and Joe Allen.

16       Q.    Do you remember Tommie Williams?

17       A.    Yeah.

18       Q.    Do you remember if he was in that meeting  
19          or not?

20       A.    I don't think he was in there.

21       Q.    Okay.  What's Joe Allen's race?

22       A.    Black.

23       Q.    What's Lewis Gunter's race?

1 A. White.

2 Q. Mike Strength?

3 A. White.

4 Q. Tommie Williams?

5 A. Black.

6 Q. Ronnie Cosby --

7 You're saying Cosby. Is it Ronnie  
8 Causey?

9 A. Cosby.

10 Q. Okay. I know there's a Ronnie Causey that  
11 works over there, so I'm going to call him  
12 Ronnie Causey. Okay? But I'm talking  
13 about the same person, I think, that you  
14 are.

15 And is he white?

16 A. Yeah.

17 Q. And with the exception of maybe Tommie  
18 Williams, everybody was in that meeting,  
19 including you and Jacky Todd?

20 A. Yeah.

21 Q. Do you remember if any of these guys worked  
22 in the custodial supply department?

23 A. Lewis Gunter, Joe Allen.

1 Q. Did Joe say what the meeting was about  
2 except for the fact that it was about you?

3 A. All he just said, the meeting -- we've got  
4 to have a meeting in Mr. Todd's office and  
5 it was about you.

6 Q. Did y'all go right in?

7 A. Yes, they called me in --

8 Q. Okay.

9 A. -- about ten minutes after they called  
10 everybody ...

11 Q. So everybody went in -- These guys went in  
12 first?

13 A. No. Jacky Todd and Mike Strength was  
14 already in there.

15 Q. Okay. Then what happened?

16 A. Then when I returned -- I guess Joe Allen  
17 went down there and told them I was back,  
18 and then Lewis Gunter and Joe Allen and  
19 myself and Ronnie went in.

20 Q. So the four of you went in together?

21 A. (Witness nods head up and down.)

22 Q. But Jacky Todd and Mike Strength were  
23 already in there?

1 A. Yes.

2 Q. During that meeting, did Mr. Todd say words  
3 to the effect that someone was making  
4 comments about race in the department?

5 A. Yes, Jacky Todd made that statement. He  
6 said he would reprimand -- if anybody bring  
7 up anything about race, he will fire  
8 them -- terminate them right then.

9 Q. Okay. Did he say that comments about race  
10 were inappropriate or any words to that  
11 effect?

12 A. Well, the way I took it is, it was  
13 inappropriate to me, I mean, because the  
14 way it was stated to me, that if you  
15 make -- say anything about any kind of race  
16 or discrimination, you will be terminated.

17 Q. Did he say discrimination or is that your  
18 word?

19 A. It was race.

20 Q. Okay. Well, did he say what he was talking  
21 about, what he was referring to? Did he  
22 say somebody was making discrimination  
23 complaints?

1 A. No, no, no. See, what had happened, Ronnie  
2 Cosby and I had had some words out on the  
3 dock, and so that's where that led to.

4 Q. What kind of words had y'all had out on the  
5 dock?

6 A. About him being my boss and I was to do  
7 what he'd tell me to do.

8 Q. And did you have a response to that?

9 A. I told him I wasn't doing anything that you  
10 tell me to do.

11 Q. Did you or he say anything about race  
12 during this interaction on the dock?

13 A. No.

14 Q. Okay. Did you think that's what Mr. Todd  
15 was referring to when he --

16 A. Because they had pre-planned it. I wasn't  
17 there when they planned it. What else were  
18 they going to say? They had already  
19 planned the meeting before I got there.  
20 Ronnie had went down there and told them  
21 about what had happened, had transpired.

22 Q. Okay. You and -- I'm sorry. Go ahead.

23 A. So that's why I'm saying that he made that



1 statement, I think. It's not like that he  
2 was taking one side.

3 Q. When you and Ronnie had your confrontation  
4 or conversation on the dock, you didn't say  
5 anything about race; is that correct?

6 A. No.

7 Q. And he didn't say anything about race?

8 A. No.

9 Q. But you believe that that was the reason  
10 that Jacky Todd had this meeting? Did you  
11 think that that confrontation led to this  
12 meeting, because Ronnie had said -- Ronnie  
13 went to him and said something about it?

14 A. Yeah, there was more that was said --  
15 that's the reason the meeting took place  
16 because of Ronnie and I having words out on  
17 the dock.

18 Q. Okay.

19 A. And rather than -- They had planned all of  
20 this before I got back.

21 Q. When you say they, who are you talking  
22 about?

23 A. Joe Allen, Lewis Gunter, and Ronnie. See,

1 I had left from -- I had been out in the  
2 field working, and I think it was --  
3 supposed to have went to pick up some  
4 science kits. I was supposed to have been  
5 going with Ronnie Cosby.

6 And he made the statement that, you  
7 know, I'm your boss and you're just going  
8 to have to do what I say. And I said,  
9 you're not my boss and I'm not doing  
10 nothing you say.

11 Q. Do you have any opinion about why they  
12 would have planned this? Did you think  
13 they were doing something that was -- where  
14 they were out to get you?

15 A. No, it was nothing like that.

16 Q. Can you tell me what you mean when you say  
17 they planned this while you were out?

18 A. They had discussed it. Why would you have  
19 a meeting when I get back if it hasn't been  
20 discussed?

21 Q. And when you say they, you mean Joe Allen,  
22 Mike Strength, Jacky Todd, all these guys?

23 A. Ronnie had to -- Jacky Todd got to call the

1 meeting, so he got to have told Jacky Todd.

2 Q. Okay.

3 A. And so as the witness -- Joe and all the  
4 rest of them was the witness.

5 Q. Okay. They were out there when you were  
6 talking to Ronnie?

7 A. Yes.

8 Q. Okay. The question I was trying to get to  
9 was, do you know how race came into the  
10 meeting that was called if y'all didn't  
11 talk about race? Do you know why --

12 A. Jacky Todd made that statement because he  
13 didn't want to feel like that he was taking  
14 sides with Ronnie.

15 The meeting was called because of the  
16 confrontation between Ronnie and I. So he  
17 called me in and used Joe and them for the  
18 witnesses to make me be wrong.

19 Q. Did Joe say anything during that meeting?

20 A. Joe didn't say anything.

21 Q. Did Mr. Todd say the comments about race  
22 would not be tolerated or words to that  
23 effect?

1 A. If anybody make any kind of racial, then I  
2 will determine -- I will terminate them  
3 right then. In other words, he was telling  
4 me if I said that you was being prejudiced  
5 because Ronnie came in here and told you  
6 this, that's what that was.

7 Q. Are you saying that's how you took it or  
8 that's what he said?

9 A. He said -- He said if anybody say anything  
10 about race, he would terminate them.

11 Q. When he -- I guess he was standing up, and  
12 he talked to the group. Was he talking to  
13 you or was he talking to the group?

14 A. He wasn't standing up. He was sitting --  
15 Everybody was sitting down.

16 Q. Okay. Did you think he was talking --

17 A. He was talking to me.

18 Q. Did he turn to you and say, Bobby, I  
19 heard --

20 A. He was looking at me just like you. I was  
21 sitting facing him. Mike was sitting over  
22 to the left. Jacky Todd was sitting at his  
23 desk. Ronnie Cosby was sitting to my

1 right. Joe Allen was sitting to the right  
2 of Ronnie Cosby, and Lewis was sitting to  
3 the left.

4 Q. Did he say anything like if you say  
5 anything about race, I'm going --

6 A. No.

7 Q. -- to have you terminated?

8 Did he look off to the other men that  
9 were sitting in the meeting?

10 A. He didn't look -- We always had eye  
11 contact.

12 Q. Did he call you by your name when he was  
13 making these statements?

14 A. No, he didn't.

15 Q. But he was sitting across from you, and he  
16 was looking right at you when --

17 A. Was sitting right there looking at me.

18 Q. Did he call anybody by name when he started  
19 talking?

20 A. No.

21 Q. Okay. During that meeting, did you raise  
22 your hand and say that you were the one  
23 that made the comments?

1           you to the personnel director?

2       A.    No.

3       Q.    Do you remember him saying that?

4       A.    (Shakes head from side to side.)

5       Q.    Do you believe it's appropriate to make  
6            comments about race in the workplace?

7       A.    No.

8       Q.    And if a white person were making comments  
9            about race, do you think that would be  
10           appropriate?

11      A.    No.

12      Q.    If comments about race are being made in  
13            the workplace and some employees complained  
14            about it, do you have a problem with a  
15            supervisor calling everybody in and having  
16            a meeting about it?

17      A.    No.

18      Q.    Do you remember ever speaking in that  
19            meeting at all?

20      A.    I had told him what had happened on the  
21            dock.

22      Q.    Did you volunteer the information or did he  
23            ask you for that information?

1 A. I responded to Ronnie Cosby's statement.

2 Q. So people started talking in the meeting?

3 A. Ronnie Cosby started talking.

4 Q. And what did Ronnie say?

5 A. He said that -- he had got the idea -- He  
6 had got really upset about the situation  
7 because he had made the statement that he  
8 don't want to go out with me because of the  
9 fact -- he was using the status, a Level 2  
10 and a Level 1, that's how it transpired,  
11 which is I was supposed to do what he say  
12 do. And I told him I wasn't going to do  
13 that.

14 And he was telling Mr. Todd about it.  
15 And I told him he wasn't my supervisor and  
16 I'm not to do what he's telling me to do,  
17 and that's how it started.

18 Q. So Jacky Todd made some statements in the  
19 meeting about anybody talking about race is  
20 going to get fired?

21 A. Yes.

22 Q. I imagine he said a little bit more than  
23 that, but maybe not.

1           Ronnie Causey said, well, I don't want  
2           to go out with Bobby because Bobby doesn't  
3           want to do what I say? What did Ronnie say  
4           in the meeting?

5       A.   He was leading to that. I don't know  
6           exactly the words he said, but it had got  
7           to the point that I wasn't going to do what  
8           he said because he's not my supervisor and  
9           I'm not to do what he says.

10          If you look on Level 1 and Level 2,  
11          there's no supervision there. There's no  
12          reason for it. That's just a law that they  
13          had out there. There's no reason for me to  
14          do what -- Mike Strength was the  
15          supervisor.

16       Q.   Did Ronnie Causey say your name in that  
17           meeting?

18       A.   Yes, he called my name.

19       Q.   And when he said something about you, you  
20           then said that you weren't going to do what  
21           he said because he was only a Level 2?

22       A.   Yes, he's not a supervisor.

23       Q.   So after you said that, then what happened?



1 A. The meeting ended. It wasn't nothing else  
2 said because the meeting was, I guess,  
3 ended. They got the point across, and that  
4 was it.

5 Q. Did you feel like you were being  
6 reprimanded?

7 A. Yes.

8 Q. Who did you feel like was reprimanding you?

9 A. Jacky Todd was.

10 Q. But did he ever call your name?

11 A. Well, the meeting was for me, about me.

12 Q. Did he ever call your name during that  
13 meeting?

14 A. I can't recall it.

15 Q. Did you feel like this was a meeting where  
16 he was reprimanding you or was it more of a  
17 group meeting about a problem that was  
18 going on?

19 And I wasn't there, so I don't know.  
20 That's why I'm asking you. And maybe I'm  
21 just misunderstanding what was going on.

22 A. It was a reprimand meeting because -- and  
23 they was using those other guys for the

1 witness.

2 Q. Because they witnessed what happened  
3 between you and Ronnie Causey or to witness  
4 this meeting?

5 A. Yes.

6 Q. Did y'all work in the same department --

7 A. No.

8 Q. -- all these guys that were in the meeting?

9 A. Joe Allen and Lewis Gunter work in the same  
10 department. That's where you goes to pick  
11 up your merchandise from. Ronnie Cosby was  
12 just standing down there, I guess, smoking  
13 or something.

14 Q. You say in Exhibit 9 in this letter that  
15 you felt very threatened by the comments  
16 you made concerning my tenure. What  
17 comments did Mr. Todd make about your  
18 tenure during that meeting?

19 A. I can't recall.

20 Q. And you also said that -- you were quoting  
21 him, it appears -- I had better not say it  
22 was a black-white issue or you, yourself,  
23 will take me to the personnel director. Do

1           you remember --

2       A.    That wasn't said like that.

3       Q.    Okay.

4       A.    That wasn't stated like that.  The only  
5            thing he said, if anybody use any  
6            black-white, racial, I will reprimand them.

7       Q.    Okay.  So that sentence right there is a  
8            mistake?

9       A.    Yes.  I mean, I never heard anybody say  
10            anything about going to the personnel  
11            department about that.

12      Q.    Do you know why you put that in this  
13            letter?  If it's a mistake, that's fine.  
14            I'm just asking.  I'm just trying to  
15            clarify.

16      A.    That's what I'm telling you about when he's  
17            saying reprimand -- well, I just put  
18            personnel.  Reprimand, I guess that's the  
19            only way you can get fired, is go to the  
20            personnel department.  But that's all that  
21            was saying.

22      Q.    Okay.  So you wrote Exhibit 9, and did you  
23            give that to Mr. Todd?

1 A. Yeah.

2 Q. And did he ever discuss that letter with  
3 you?

4 A. No, I never discussed the letter with  
5 Mr. Todd. I only discussed the letter with  
6 Jimmy Barker.

7 Q. Did he report you to the personnel director  
8 after that meeting or after he got that  
9 letter from you -- about that letter?

10 A. No. I always had a meeting with my union  
11 representative, Jerry Morris.

12 Q. And so in the fall of 2003, you've -- I  
13 guess you've been hired since April, and  
14 we're into the fall now. Did you apply for  
15 the position of Laborer 3?

16 A. Yes.

17 Q. Okay. And is this the position that you  
18 refer to in paragraph 20 of your complaint,  
19 Exhibit 4?

20 A. Yeah.

21 Q. And who did you apply -- Did you do another  
22 application or do a letter?

23 A. Yes, a Laborer 3 like that come out, and

1 all you have to do is send in a notice to  
2 the personnel director that you were  
3 interested, and they'll call and set up an  
4 interview.

5 Q. Do you remember what kind of job duties  
6 that that position required?

7 A. A Laborer 3 is a job -- There's various  
8 jobs. See, these jobs like here are just  
9 support jobs, and they could make it be any  
10 type work.

11 Like they had -- This was going to be  
12 working with the science kit. That Laborer  
13 3 there was -- Laborer 3, it's really like  
14 technical work or something like that I  
15 guess you could say.

16 Q. So in all of these jobs, you kind of go  
17 where you're needed, but this one was going  
18 to be primarily working with science kits?

19 A. Well, it's a Laborer 3 job. Like you could  
20 have a Laborer 3 -- like these guys go  
21 around and take orders for the custodian.  
22 Different type Laborer 3 jobs.

23 I guess you could work there a long

1 time and become a Laborer 3 and stuff like  
2 that.

3 Q. Okay.

4 A. But a Laborer 3 is more like you're a  
5 leader or something like that. It's just  
6 more money, that's all. All of them are  
7 support jobs.

8 Q. You said something about science kits.  
9 That's why I'm asking.

10 A. Yeah, it would have been working with the  
11 science kit with this Laborer 3.

12 Q. Did anybody prevent you from applying?

13 A. No.

14 Q. Did you get an interview?

15 A. Yes.

16 Q. You go on to say in paragraph 20 that you  
17 arrived to work one morning in November and  
18 were startled to be called into Mr. Todd's  
19 office for an interview. Is that correct?

20 A. Yes.

21 Q. And who did you interview with?

22 A. Mike -- Jacky Todd, Mike Strength, and  
23 Betty Smith.

1 Q. What was Mike Strength's position?

2 A. Supervisor. Well, I never knew that he was  
3 a supervisor. He was hired to be a person  
4 that purchased the material for the school  
5 system. And I guess that was his other  
6 little thing when he wasn't doing anything  
7 to be a supervisor.

8 Q. Okay. What was his race?

9 A. White.

10 Q. And Betty Smith, what was her position?

11 A. Secretary.

12 Q. And what was her race?

13 A. Black.

14 Q. Were you asked a set of questions during  
15 the interview?

16 A. Three questions -- I think two questions.

17 Q. Who was asking --

18 A. Betty Smith asked one, and Jacky Todd asked  
19 one. I think Mike might have asked one. I  
20 can't recall.

21 Q. Do you know if the other applicants that  
22 applied for this job got interviewed the  
23 same way when they got to work that

1 morning?

2 A. I don't think but two people applied.

3 Q. Okay. Who applied for the position that  
4 you know of?

5 A. Bobby Garrison and Ronnie Cosby.

6 Q. Do you know whether Lewis Gunter applied  
7 for the position?

8 A. No. He was already a Laborer 3. That  
9 don't make sense.

10 Q. Do you know if -- when anybody else that  
11 applied for the position, do you know if  
12 they were also interviewed one morning when  
13 they got in for work? Do you know one way  
14 or the other?

15 A. No.

16 Q. And who got hired for the job?

17 A. Ronnie Cosby.

18 Q. And you told me he's white, right?

19 A. Uh-huh. (Positive response.)

20 Q. And was he already working in Logistics  
21 when he was hired?

22 A. Yes.

23 Q. And do you know if before he got this



1 office and he cleaned that up. That's all  
2 he ever told me.

3 Q. Do you know whether or not he had better  
4 evaluations than you?

5 A. I don't think he even was hired there long  
6 enough to have so many evaluations. He  
7 hadn't been there over a year, so ...

8 Q. Had you been there a year?

9 A. Yes. I don't think he -- I don't think he  
10 had been there to have over one evaluation  
11 or two evaluations. I don't think so.

12 Q. Well, you were hired in April of '03,  
13 right?

14 A. Yes. He was hired after I was.

15 Q. Okay. And this interview happened or this  
16 job posting was November '03?

17 A. Uh-huh. (Positive response.)

18 Q. So you had been there for six or seven  
19 months?

20 A. Yes, exactly.

21 Q. When this job was posted, is it true that  
22 Ronnie Causey was working mainly with the  
23 science kits?

1 A. No. He was doing different things just  
2 like driving a truck around, picking up  
3 computers, picking up books, doing this --

4 Warren Davis was working with the  
5 science kits. The principal of -- what's  
6 that? Loveless? Houston Hill? After they  
7 moved him -- removed him from the  
8 principal's job, he came out to Logistics  
9 to work with the science kits.

10 Q. If you'll look at paragraph 16 of your  
11 complaint.

12 A. 16?

13 Q. Yes. Does that say that Ronnie Causey had  
14 been hired to work with science kits?

15 A. That say he was assigned to pick up science  
16 kits. He wasn't hired to work with science  
17 kits. Didn't hire him to work with science  
18 kits.

19 Q. It says: On or about August 5th, 2003,  
20 Ronnie Causey, white male, and Plaintiff  
21 were assigned to pick up science kits. And  
22 in parentheses, Causey is a white employee  
23 who had been hired to work at Logistics as

1 a Laborer 2 with the science kits.

2 Is that a correct statement or an  
3 incorrect statement?

4 A. This is incorrect right here, to work with  
5 the science kits. You have to be a Laborer  
6 3 to work with the science kits.

7 Q. Okay.

8 A. He might have been picking up some science  
9 kits. But work with the science kits, you  
10 have to be a Laborer 3.

11 Q. And before this, when y'all had that thing  
12 out on the dock, were y'all going to pick  
13 up some science kits?

14 A. Yes.

15 Q. Did he do that often?

16 A. No, because those science kits don't -- I  
17 think they stay out maybe a month or so,  
18 and then we'll go out -- everybody will  
19 pick them up. Everybody deliver them. I  
20 mean, there's so many. You know, imagine  
21 60 schools. Everybody that can drive goes  
22 out and picks up science kits and delivers.

23 Q. Do you know whether Betty Smith ranked you

1 highest among the candidates?

2 A. I don't know.

3 Q. Did you get along well with her?

4 A. Yeah.

5 Q. Do you know if she ranked you lowest?

6 A. I don't know.

7 Q. Did anybody mention your race during that  
8 interview?

9 A. No.

10 Q. Did anybody say that you couldn't have that  
11 job because you were black?

12 A. No.

13 Q. Did anybody say that they wanted a white  
14 person for that job?

15 A. No.

16 Q. Do you have any evidence that you weren't  
17 hired for that job because of your race?

18 A. Can you ask that again?

19 Q. Do you have any evidence -- I know -- I  
20 understand that you believe that you were  
21 not hired for the Laborer 3 position  
22 because of your race. Do you have any  
23 evidence to support that belief?

1 A. Yes.

2 Q. What?

3 A. Well, because they hired Ronnie Cosby for a  
4 job, and he wasn't qualified. He didn't  
5 have the qualifications for the job.

6 Q. What were his qualifications?

7 A. Like I told you, all he ever did was clean  
8 up.

9 Q. Okay.

10 A. I mean, for the Laborer 2 job, I mean, he  
11 didn't do nothing but ride around and pick  
12 up junk, I mean.

13 Q. Whose decision was it to hire Ronnie  
14 Causey?

15 A. Pardon me?

16 Q. Whose decision was it to hire Ronnie  
17 Causey?

18 A. Whose decision was it to hire him?

19 Q. Yes.

20 A. Who hired him?

21 Q. Yes.

22 A. I don't know.

23 Q. In paragraph 21 of your complaint, you go

1 on to say that you appealed this incident  
2 to Jimmy Barker.

3 A. Yes.

4 Q. Were you talking about this Ronnie Causey,  
5 the promotion that he got?

6 A. Yes.

7 Q. And when did you appeal the incident?

8 A. It's got December 1, 2003.

9 Q. And I was going to ask you to tell me how  
10 you appealed the incident. You wrote a  
11 letter to Jimmy Barker?

12 A. Yes.

13 Q. And what did you tell Mr. Barker? Did you  
14 talk to him or did you tell him -- or did  
15 you write him the letter and that's how you  
16 appealed it?

17 A. Yes, I wrote him a letter.

18 Q. In paragraph 22, you say that you and Jerry  
19 Morris met with Mr. Barker on December  
20 17th, 2003, that he listened to what you  
21 had to say and he assured you that he would  
22 look into things and be present for your  
23 next interview. Is that right?

1                   What that was? December?

2       Q.    You applied for the Laborer 3 in November.

3       A.    November. Okay. It was in November,  
4            then. That's the one he was supposed to  
5            have been sitting in on, but it was  
6            prior -- before that time that I went down  
7            and talked to him about the job. Then he  
8            said on the next interview, I will come and  
9            sit in on it.

10      Q.    Tell me about the Laborer 2 job you applied  
11            for. About when was that to the best of  
12            your memory?

13      A.    I can't recall the exact date.

14      Q.    It was sometime between April and November;  
15            is that fair to say?

16      A.    Yeah.

17      Q.    It was before this Ronnie Causey one?

18      A.    Yes.

19      Q.    Okay. And did you get an interview for  
20            that?

21      A.    I can't -- No, I didn't. No, I didn't.

22      Q.    Do you know who applied for it?

23      A.    No.

1 Q. Do you know who got the position?

2 A. No.

3 Q. And after you didn't get that job, you went  
4 to -- did you go see Mr. Barker or did you  
5 write him a letter or call?

6 A. I wrote -- I seen -- I talked to Jerry  
7 Morris. Jerry Morris and I went down and  
8 talked to Mr. Barker.

9 Q. Okay. And what did you tell Mr. Barker  
10 during that meeting?

11 A. That I'm -- Well, when I wrote the letter  
12 to him, I went down there and discussed  
13 that I wasn't being treated fair with the  
14 hiring practice. And we discussed  
15 different things about it. And he said,  
16 well, to ensure you to get fair treatment  
17 next time, I will come in and sit in on the  
18 interview.

19 Q. Did you say you wrote a letter to him?

20 A. Well, Jerry and I went down first and  
21 talked to him.

22 Q. Okay. So you had -- or you applied for a  
23 Laborer 2, but you didn't get an



1 interview? You didn't get an interview for  
2 that?

3 A. No.

4 Q. And so you and Jerry Morris went to talk to  
5 Mr. Barker?

6 A. About it.

7 Q. Okay. And why did you think you didn't get  
8 the Laborer 2 job?

9 A. Oh, I don't know.

10 Q. Did you think that was because of your  
11 race?

12 A. No.

13 Q. Okay.

14 A. I don't know who got the job. I can't say.

15 Q. Okay. What were you complaining to  
16 Mr. Barker about regarding that Laborer 2  
17 job?

18 A. Well, I -- I can't recall that.

19 Q. Okay. But you applied for it, didn't get  
20 an interview. Somebody got hired. You  
21 don't know who.

22 A. I don't know.

23 Q. But you and Jerry Morris went to talk to

1           Mr. Barker. Did you feel like when you  
2           talked to Mr. Barker that he listened to  
3           what you had to say?

4           A.    Yeah.

5           Q.    Did you feel like he was respectful of you?

6           A.    Yeah.

7           Q.    And he said that he wanted to make sure  
8           that everybody was being treated fairly and  
9           so he would sit in on your next interview?

10          A.    Yes.

11          Q.    Do you have any reason to believe that he  
12                was aware that interviews were going to  
13                take place when you got to work that  
14                morning in November for a Laborer 3 job?

15          A.    I don't think he knew.

16          Q.    Do you know if he intentionally broke his  
17                promise to you to come and sit in on your  
18                interview?

19          A.    I don't know.

20          Q.    So is that the only one interview you had  
21                after you got hired?

22          A.    Yes.

23          Q.    So there weren't any more interviews that

1 position, and I think you're referring to  
2 the Laborer 3 position.

3 A. Yes.

4 Q. Do you know of some requirement they had to  
5 tell you who got hired?

6 A. Did I know ...

7 Q. Did you think they were required to tell  
8 you who they were going to hire?

9 A. Yes, they should have. They interviewed  
10 me.

11 Q. Okay.

12 A. They could have wrote a letter.

13 Q. Do you know if they were required to or you  
14 just wanted them to?

15 A. I don't know. I don't know if they're  
16 required to do that.

17 Q. But you would have liked it if they would  
18 have done that?

19 A. Yeah.

20 Q. You go on in that letter to say that Mike  
21 Strength has made racial statements. It's  
22 that third paragraph on the first page. Do  
23 you see that?

1 A. Uh-huh. (Positive response.)

2 Q. What were the statements that you were  
3 referring to?

4 A. One morning --

5 THE WITNESS: I was going to bring  
6 up about --

7 (Attorney-client discussion.)

8 A. One morning, Mike Strength was in the --  
9 what you call the supply room. And Lewis  
10 Gunter was there, and this guy named -- I  
11 think his name is Scofield. I don't know  
12 exactly his name.

13 But Jerome Williams and Johnny  
14 Mitchell, those guys are assigned to me to  
15 ride in the truck with me. And Mike was  
16 standing up by Lewis, and he was telling  
17 Lewis to get Scofield to do something for  
18 him. And Lewis was telling him that he  
19 couldn't get it done. And Mike made the  
20 statement that that's your monkey; you  
21 handle it the way you want to.

22 That was reported to Mr. Dotson, too.

23 Q. So this was back before Mr. Dotson left?

1 A. Yes.

2 Myself, which is Bobby Garrison, and  
3 Jerome Williams and Johnny Mitchell, all  
4 three of us went into Mr. Dotson's office  
5 and reported that.

6 Q. Did he have any response or did he do  
7 anything about that?

8 A. He didn't do anything about it. All he did  
9 was say, well, he going to hurt hisself  
10 eventually.

11 Q. Okay.

12 A. Okay. And we left it like that.

13 Q. Did you have a problem with Mr. Dotson's  
14 response to you?

15 A. No.

16 Q. Were there any other statements -- racial  
17 statements that you heard Mike Strength  
18 make?

19 A. He made a statement out -- if you recall  
20 back when Cloverdale was being moved, we  
21 sent to -- the tractor-trailers over there,  
22 and they had the football guys out there.

23 What had happened, one of them had

1           taken the fire extinguisher and skeeted all  
2           the water or whatever was in there out on  
3           the ground, and he laid it down. And all  
4           of us was standing at the back of the  
5           truck, and he walked up and picked the  
6           thing up and asked who skeeted the mixture  
7           of whatever was in the fire hydrant out.  
8           Wouldn't nobody never say nothing.

9           And he made the statement that, all of  
10          you-all was standing out here and didn't  
11          see nobody skeet the foam out of the fire  
12          hose? And then wouldn't nobody say  
13          nothing, and he just turned and walked off.

14       Q.    So you said all you-all?

15       A.    You-all.

16       Q.    Did you take that to be a racist statement?

17       A.    Yes. There was nothing but blacks out  
18          there.

19       Q.    Who was the supervisor when that happened  
20          or the director?

21       A.    Donald Dotson.

22       Q.    Did y'all report that or did you report it?

23       A.    We didn't report that.

1 Q. Anything else? Any other racial statements  
2 or racist statements Mike Strength made?

3 A. That's the only ...

4 Q. In Exhibit 10, did you tell Mr. Barker  
5 about those statements other than just  
6 saying he had made some racial statements?

7 A. No, I didn't pinpoint it like that.

8 Q. You say that Mike Strength assigned  
9 demoralizing tasks to blacks; is that  
10 right?

11 A. Yeah.

12 Q. And what did you consider a demoralizing  
13 task?

14 A. I was asked on several occasions to go out  
15 and -- like you'll see on there, the  
16 supervisor thing, to wash his car and wash  
17 the director car, so I did that.

18 Next, he would send you out there like  
19 at 12 o'clock in the day. I never seen a  
20 white person out there cutting grass. And  
21 you had to cut this whole big field out  
22 there with a push mower. We had to do  
23 that.

1           And one of the -- what's his name had  
2           to go over to Daisy Lawrence -- that's  
3           where -- In the basement, we carried the  
4           computers and things down there, and that's  
5           where they used -- was using the storage  
6           area for, the computers and things. And  
7           all the sewage pipe had busted and drained  
8           down in there.

9           He sent Jerome Williams, myself, and  
10          Johnny Mitchell over there I guess for a  
11          week or two. One of the guys got sick from  
12          it, and they -- Jerome Williams, I think.  
13          I don't know if he quit or -- because he  
14          didn't show up for two or three days. I  
15          don't know if they fired him or he just  
16          quit.

17          And it wasn't nothing but blacks over  
18          there.

19        Q.    So in that Exhibit 10, you told Mr. Barker  
20           the example about Mike Strength saying get  
21           out there and wash my car and wash Jacky  
22           Todd's car, too. You told him about that  
23           one? Yes or no.



1 A. Yes.

2 Q. And did you wash the cars?

3 A. Yes. That was Mr. Dotson's car, too, now.

4 Q. Okay. So you washed Mr. Dotson's car as  
5 well?

6 A. Yeah.

7 Q. And is it correct --

8 A. Well, before -- before Jacky Todd got  
9 there, we was doing this -- I was doing  
10 this all the time.

11 Q. Was Mike Strength under Jacky Todd -- I'm  
12 sorry, under Donald Dotson as well as Jacky  
13 Todd?

14 A. Yes.

15 Q. Okay.

16 A. Those were the directors.

17 Q. Okay. I thought you told me that Donald --  
18 or Mr. Dotson and Mr. Todd gave you your  
19 duties. Did Mike Strength give you duties  
20 as well?

21 A. They come from the director, all -- the  
22 director to Mike Strength. He can't give  
23 you direct -- Mike Strength didn't give --

1 (Brief interruption.)

2 A. Mike Strength didn't give -- Mr. Dotson  
3 give the directions or Mr. Todd give the  
4 directions to him.

5 Q. And then Mike Strength would tell y'all  
6 what to do?

7 A. Uh-huh. (Positive response.)

8 Q. And is it true that all of those men --  
9 Mr. Dotson, Mr. Todd, and Mr. Strength --  
10 they drive Board vehicles?

11 A. Yes.

12 Q. Were those the cars they were asking you to  
13 wash?

14 A. Yes.

15 Q. And you thought it was demoralizing to be  
16 asked to wash a Board vehicle by your  
17 supervisor?

18 A. Well, it wasn't a responsibility. It  
19 wasn't -- it was not a requirement to  
20 wash --

21 I didn't say that was demoralizing.  
22 I'm saying it wasn't required to be done as  
23 a Laborer 1. I mean, nowhere in there that

1           you're going to see where it's -- in the  
2           Laborer 1 structure that you have to wash a  
3           car.

4       Q.    Is it fair to say that as a Laborer 1 --  
5           would there be any way to list every job  
6           responsibility?

7       A.    Yes. How are you going to hire somebody?  
8           I mean, you're going to get close around  
9           there.

10      Q.    Okay. I'm going to look at -- I'm looking  
11           at Defendant's Exhibit 8. If you'll look  
12           down here at this last line, it says any  
13           other duties within operations as  
14           directed.

15                   Isn't that kind of like a catch-all?  
16           Because sometimes things come up that -- Is  
17           that fair to say, sometimes things come up  
18           that have to be taken care of?

19      A.    Well, vice versa. Cutting grass, you have  
20           a grass crew to cut that. Why would I have  
21           to go cut the grass?

22      Q.    So you consider it demoralizing to wash a  
23           car?

1 A. Yes.

2 Q. Because it wasn't listed as a job  
3 responsibility; is that --

4 A. It was not a responsibility.

5 Q. And who should have been washing the cars  
6 do you think?

7 A. He should have kept his own car washed.

8 Q. Wasn't that a Board vehicle?

9 A. Yes.

10 Q. Did anybody besides you have to wash the  
11 cars?

12 A. I don't know who washed the cars before.

13 Q. And are you saying that you never, ever saw  
14 a white employee wash a car?

15 A. No, they didn't wash cars or cut grass.

16 Q. Okay. During the fall semester of 2003  
17 before you wrote that letter to Mr. Barker,  
18 Exhibit 10, what percentage would you say  
19 of laborers were black, just ballpark?

20 A. 95 percent.

21 Q. 95 percent of the laborers were black?

22 A. Yes.

23 Q. Did Mr. Strength ever say that he was

1 making you wash cars because you were  
2 black?

3 A. 95 percent of them were black.

4 Q. Did he ever say that you -- he was making  
5 you wash a car because you were black?

6 A. No.

7 Q. Or making anybody wash a car because they  
8 were black?

9 A. No.

10 Q. Did he ever say that he didn't want white  
11 employees washing cars?

12 A. No.

13 Q. Do you believe that he made you do that  
14 because you were black?

15 A. I don't understand that question.

16 Q. Do you believe that because Mike Strength  
17 was white and you were black, that that's  
18 why he made you wash cars?

19 A. Yes.

20 Q. Okay. And do you have any evidence to  
21 support your belief? Why do you believe  
22 that?

23 A. Because of the fact -- Why would he tell me

1 to go cut grass at 12 o'clock up in the  
2 day?

3 Q. I'm going to ask you about the grass, but  
4 can you tell me about the cars, washing the  
5 cars? Why do you think that related to  
6 your race?

7 A. Because in his eyesight, I feel like he  
8 felt like that's what I should be doing.

9 Q. And that's not because he was your boss and  
10 you were a laborer? That's because he was  
11 white and you were black in your opinion?

12 A. He was white, and he was my boss.

13 Q. Okay. Do you have any other evidence to  
14 support your belief that he made you do  
15 that because you were black?

16 And if you don't, that's fine. If  
17 that's what you believe, that's fine. And  
18 I'm not sticking you on that. I'm just --  
19 I need to ask the question is all.

20 A. No, I don't.

21 Q. Okay. You also talked about having to cut  
22 grass. Did you go out there and cut the  
23 grass with that push mower?

1 A. Yes.

2 Q. And where were you cutting grass?

3 A. Across the street from the warehouse.

4 Q. Was that Board property?

5 A. No.

6 Q. Were they cutting the grass for somebody  
7 else?

8 A. They had trucks out -- They had those  
9 tractor-trailer trucks that was on -- was  
10 parked out there. I guess they was just  
11 keeping it cut.

12 Sometimes, some guy would come out  
13 there with a big tractor and cut the whole  
14 field. But then Mike would have me out  
15 there cutting grass when they didn't show  
16 up.

17 Q. Was anybody cutting grass besides you aside  
18 from the guy you just talked about?

19 A. The guy that I just talked about?

20 Q. You just talked about a guy who would come  
21 out there with a big tractor.

22 A. Oh, I don't know the guy. I guess the  
23 people where they was renting it from

1           contracted it out. I don't know.

2       Q.   Is it fair to say somebody else was  
3           responsible for cutting the grass, but when  
4           they wouldn't show up, he'd ask you to do  
5           it?

6       A.   Yeah.

7       Q.   Did he ask anybody besides you to do it?

8       A.   He had those kids from the summer program  
9           would go out there, and they would tear the  
10          mower up to keep from doing it.

11      Q.   And what was demoralizing about cutting  
12          grass?

13      A.   I mean, like you say, I'm cutting grass  
14          across the street, not even Board  
15          property. I mean, you're cutting a whole  
16          acre with a push mower?

17      Q.   Okay.

18      A.   And you have a grass crew. Eventually,  
19          after all this came up, they started  
20          sending people out there to cut the grass,  
21          the same crew that cut the grass around the  
22          schools.

23      Q.   And you think he was making you cut the



1 grass because you were black?

2 A. Yeah.

3 Q. Okay. And you talked about the computers  
4 at Daisy Lawrence. Is that the school you  
5 were talking about?

6 A. Yes, that's where they were stored at.

7 Q. Okay. When was that?

8 Who was the director at that time?

9 Let's do it like that.

10 A. Donald Dotson.

11 Q. Do you know if that direction came from  
12 Donald Dotson or if it came from Mike  
13 Strength to go out there to Daisy Lawrence  
14 and get those computers out?

15 A. Mike Strength always give the work orders  
16 out.

17 Q. Do you know if Donald Dotson instructed  
18 him --

19 A. No, I don't.

20 Q. I'm sorry?

21 A. No, I don't.

22 Q. I thought you told me a minute ago that the  
23 director would tell Mike Strength what to

1 do.

2 A. Yeah, but I can't say that somebody called  
3 Donald Dotson and Donald Dotson -- I don't  
4 know, but that's the way it was supposed to  
5 have been.

6 Q. Is that how you understood it worked?

7 A. Well, I don't know if this incident  
8 happened like that. I don't know.

9 Q. Did you report that incident to anybody  
10 besides that letter to Mr. Barker there?

11 A. No, there was no one else to tell. The  
12 peoples around -- that worked around it ...

13 Q. Who do you think should have gone to the  
14 school to get the computers out?

15 A. I think first they should have got some way  
16 to get the sewage out. I don't know who  
17 should have been there personally. I mean,  
18 it's ankle deep in there. Maybe they  
19 should call somebody to pump the water  
20 out. I don't know how they should have  
21 done it.

22 But just sending me down there to get  
23 the computers out and all the waste in

1           there -- I don't know who they should have  
2           gotten to get the --

3           I wouldn't have minded going and  
4           getting the computers out if it was clean  
5           in there. I mean, we do it all the time.  
6           Go pick computers up all the time. The  
7           computers wasn't the problem, but the  
8           working condition was the problem.

9       Q.   Were you-all wearing boots or anything?

10      A.   The school system would furnish us the jump  
11       suits and ...

12      Q.   To keep your clothes from getting messed  
13       up?

14      A.   Yes, and some little rubber boots, what  
15       they used to mop floors or something. Put  
16       them over your other shoes or whatever.

17      Q.   So you wouldn't have had a problem with it  
18       except for that there was raw sewage down  
19       there?

20      A.   Yes.

21      Q.   How did that raw sewage get down there?

22      A.   I haven't the slightest idea. I guess the  
23       pipe up in the ceiling busted. It was in

1 the basement.

2 Q. In paragraph 18 of your complaint, Exhibit  
3 4, you said Mike Strength made you and  
4 other blacks cut the grass, pick up paper  
5 and wash cars when work was slow; is that  
6 right?

7 A. Yes.

8 Q. And Jerry Morris told you that wasn't your  
9 job; is that right?

10 A. Yes.

11 Q. And who is Jerry Morris?

12 A. The union -- The guy that was over the  
13 union.

14 Q. The Montgomery County Education Association  
15 rep?

16 A. Uh-huh. (Positive response.)

17 Q. Was Jerry Morris responsible for making  
18 work assignments in Logistics?

19 A. No.

20 Q. And it was the supervisors' and director's  
21 responsibility to make work assignments.  
22 Is that fair to say?

23 A. Yes.

1 Q. What was demoralizing about having to pick  
2 up paper?

3 A. Well, we weren't only picking up paper. We  
4 were walking around picking up cigarette  
5 butts and everything. In my eyesight and  
6 everything, I would just rather go home  
7 than just walk around outside picking up  
8 paper. It wasn't -- It wasn't necessary.

9 Q. Okay.

10 A. I mean, it's not like that you're in a  
11 field of paper blowing everywhere.

12 Q. Okay. Is it possible they just wanted the  
13 area to be clean and so they asked you to  
14 help clean up?

15 A. When you get outside your warehouse, you  
16 have somebody assigned to do that, like  
17 cutting that grass. They have people  
18 assigned to do it.

19 Like washing the cars, they've got  
20 somebody to wash cars over there at the  
21 transportation. The prisoners wash cars  
22 every day over there. How you think those  
23 buses get washed? The bus drivers don't

1 wash them. The prisoners wash them. All  
2 they do is carry the cars out there and let  
3 them wash them.

4 Q. That was outside your area of  
5 responsibility? I mean, that's why you  
6 felt it was demoralizing; is that right?

7 A. I felt like that work task wasn't -- it  
8 shouldn't have been used at that facility.

9 Q. Was that your responsibility or your  
10 decision to make, what jobs got done?

11 A. No, I did it. I didn't make a decision. I  
12 did it. But I'm saying it shouldn't have  
13 been done.

14 Q. When Mr. Dotson was there, was there  
15 picking up paper and sweeping and things  
16 like that going on?

17 A. Yeah.

18 Q. Did you have a problem with it then?

19 A. Well, stuff like -- that's minor. Mike  
20 Strength might have made that decision.  
21 Mr. Dotson don't -- he don't make those  
22 decisions. He make different type  
23 decisions. Most of those are dealing with

1 the school. Little stuff like that, Mike  
2 Strength making those decisions. That's  
3 what I would say.

4 Q. And you disagree with the decision that he  
5 have you or anybody else cutting grass,  
6 picking up paper and washing cars?

7 A. Yes.

8 Q. Okay. Exhibit 10, which is that December  
9 1st letter, you said that Mike Strength  
10 spoke to you in a condescending tone in  
11 front your co-workers. During this meeting  
12 Mike Strength leaned back unprofessionally  
13 in the chair he was sitting in, propping  
14 his feet on the desk just inches in front  
15 of my face.

16 I want you to tell me exactly where you  
17 were and exactly where he was.

18 A. He was sitting directly in front of me. He  
19 was sitting on the side of Jacky Todd. He  
20 always sit on the side of him. I guess  
21 that's just the way he think. I mean, this  
22 is the director. I'm this person. He was  
23 sitting with his leg crossed just like

1           that, looking right at me in my face.

2       Q.   Where were you sitting?

3       A.   I was sitting directly in front of him.

4       Q.   Did he put his foot up on the table?

5       A.   No, it's not a table like that. It was  
6           something like a little stool like thing.

7           It wasn't up on Mr. Todd's table. It was  
8           on -- It's like a little chair, but his  
9           foot was aimed -- pointed toward me.

10      Q.   Do you see this chair here next to me?

11      A.   It wasn't that high -- yeah, it was about  
12          that high. It wasn't up high, elevated  
13          that high. I don't know -- I think he -- I  
14          don't know what the purpose was. He might  
15          have had back trouble. I don't know what  
16          it was.

17      Q.   So he put his foot up on something --

18      A.   Yeah.

19      Q.   -- that was maybe a foot off the floor; is  
20          that fair to say?

21      A.   (Witness nods head up and down.)

22      Q.   And you were sitting directly across from  
23          him?



1 A. I was sitting directly in front him.

2 Q. Were you sitting up straight in your chair?

3 A. Yes.

4 Q. Were you leaning over any to be --

5 A. No. I was sitting straight up in my  
6 chair. I wasn't leaned over.

7 Q. So tell me. I'm trying to figure out how  
8 close y'all were to each other, how far  
9 away. Was it from where I am to where you  
10 are now, just without the table in the  
11 middle?

12 A. About the same distance.

13 Q. I'm sorry?

14 A. Probably the same distance. Probably --

15 Q. And I have long legs, but --

16 A. Well, he was on the side, like -- like I'm  
17 sitting directly in front of Jacky Todd,  
18 and Mike -- it was almost catty-cornered --

19 You know, the little office out there,  
20 it's not that big. You have to move your  
21 chair up to shut the door.

22 Q. Okay.

23 A. It's not that big. It was pretty close in

1           there.

2       Q.    So when you're talking about this meeting  
3           where he leaned back and put his foot up,  
4           were you already sitting where you were --  
5           where you were?

6       A.    Yes.   Everybody was in place.

7       Q.    And you said he was catty-corner.   Which  
8           direction -- Was his foot pointed towards  
9           you, was it pointed away or diagonal?   Tell  
10          me how that worked.

11      A.    Well, it was pointed -- It was pointed at  
12           an angle, about like that, about like my  
13           leg is.

14      Q.    Tell me how close his foot got to your  
15           face.

16      A.    Well, it wasn't that -- it was not close to  
17           my face.   It wasn't that close.   It was  
18           about -- Like I say, it's real tight in  
19           there.   I can't really imagine how close --

20           I mean, it was pretty close.   I just  
21           can't give you a -- six feet?   We were  
22           about six feet away from each other.   It's  
23           real tight.

1 Q. Did you feel like he did that to be  
2 disrespectful to you?

3 A. Very.

4 Q. Who all was in that meeting that would have  
5 seen that?

6 A. Jacky Todd and Mike Strength. I can't  
7 recall.

8 Q. Do you think he did that because you're  
9 black?

10 A. I felt like he did it because I were.

11 Q. In that letter, the December 1st letter,  
12 did you provide Mr. Barker with any other  
13 examples of what Mike Strength was doing  
14 except for making you-all do the  
15 demoralizing tasks and putting his foot up?

16 A. No.

17 Q. Did Jacky Todd talk to you in a  
18 demoralizing manner?

19 A. No.

20 Q. Would it be a fair statement that Mike  
21 Strength was -- had an abrasive manner,  
22 generally speaking?

23 A. I wouldn't say so. Being in supervision, I

1 A. He never -- I never heard him just say --  
2 per se cuss or something, you know, not  
3 directly at a person or something. Maybe  
4 if he had been talking about something, he  
5 might have used a curse word. But as far  
6 as just cursing, I never heard him just --

7 Q. Did you ever hear other employees complain  
8 about the way he talked to them?

9 A. Yes.

10 Q. Do you know if any white employees  
11 complained about the way he talked to them?

12 A. I never heard them complain.

13 Q. You say in paragraph 15 of your complaint,  
14 Exhibit 4, that white employees are  
15 allowed -- Mike Strength, in particular --  
16 to demoralize black workers on a daily  
17 basis.

18 What other white employees are you  
19 referring to besides Mike Strength?

20 A. Well, Lewis and -- I don't play, you know.  
21 I don't know whether they be playing or  
22 what else, you know. I hear them, you  
23 know, calling names and different things,

1 and Mike be there and they're laughing and  
2 going on.

3 I wasn't -- I wasn't a part of that. I  
4 guess that's what was -- I don't tease. I  
5 don't play. I'm for business.

6 Q. Okay.

7 A. Maybe that's what they was doing, but I  
8 didn't do that.

9 Q. Are you saying they joked too much? What  
10 are you --

11 A. I don't know what they was calling it. I  
12 don't know if they was joking or what. All  
13 I know, they be calling one another bad  
14 names and different things. I don't know  
15 if they joking or playing. I don't deal  
16 with that. I don't --

17 Q. You said they would be calling one another  
18 bad names. When you say they, are you  
19 talking about the white men that worked out  
20 there?

21 A. Lewis is a white guy.

22 Q. Are you talking about --

23 A. Lewis be calling Joe a bad name. They

1           worked together.

2       Q.    Joe Allen?

3       A.    Yes.

4       Q.    What would he call him?

5       A.    I guess -- I mean, drunkards.

6       Q.    Did he call him a drunkard?

7       A.    Drunkards, alcoholic.  What the issue  
8           was --

9           One day I walked up.  They had all  
10          these numbers on this calendar.  And, you  
11          know, I asked them what those numbers  
12          were.  That's where Joe would be borrowing  
13          money from a guy.  That's how I found it  
14          out.  10, 20, stuff like that.

15          And I guess that's how the name-calling  
16          started coming.  I guess they was like  
17          that, but I didn't see where it was  
18          professional.

19       Q.    You didn't think it was funny?

20       A.    No.

21       Q.    Did they appear to have that kind of  
22          relationship where they would do that back  
23          and forth?

1 A. You shouldn't have that type of  
2 relationship. I don't know what kind of  
3 relationship they had.

4 Q. Did Joe ever come and tell you that he  
5 didn't like the way Lewis talked to him?

6 A. No.

7 Q. I know Mike Strength, Lewis Gunter. What  
8 other white employees demoralized black  
9 workers?

10 A. Well, wasn't nobody else out there but  
11 Ronnie.

12 Q. What would Ronnie do?

13 A. Ronnie just -- you know, I guess he might  
14 have been teasing, you know. Like he was  
15 telling me about I was going to do, you  
16 know -- you know, whatever, you know, he  
17 tells me. Like I said, I made the  
18 statement that I wasn't going to do that.

19 Q. You said you thought Ronnie might have been  
20 teasing or he might have been serious?

21 A. He might have been serious. I guess he see  
22 what Lewis was doing.

23 Q. When you saw this interaction between Lewis

1 and Gunter, did it appear that Lewis was  
2 teasing with Joe -- I'm sorry, Lewis and  
3 Joe, did it appear that Lewis was teasing  
4 Joe to you?

5 A. No.

6 Q. It didn't appear that he was teasing him?

7 A. No.

8 Q. He seemed like he was serious?

9 A. To me.

10 Q. Did you hear Lewis call Joe any racial  
11 slurs?

12 A. Not directly.

13 Q. Not directly?

14 A. No -- well, I never heard him say  
15 indirectly or directly.

16 Q. What about Ronnie Causey? I know we talked  
17 about what happened on the loading dock.  
18 Is there anything else?

19 A. (Shakes head from side to side.)

20 Q. Did he say -- use any racial slurs or  
21 anything like that?

22 A. No.

23 Q. Mike Strength -- Well, you told me about



1 two incidents. Did Mike Strength use any  
2 racial slurs?

3 A. The only two I know about is when he called  
4 the guy a monkey and the one he called  
5 "you-all" at Cloverdale school.

6 Q. Okay. Prior to when you wrote this letter,  
7 Exhibit 10, to Mr. Barker, other than  
8 telling you to wash the cars and do other  
9 tasks that you didn't think were your job  
10 and putting his feet close to your face,  
11 did Mike Strength do anything else you  
12 didn't like?

13 A. Yes, he did.

14 Q. Tell me what.

15 A. I think it was after all these things  
16 transpired, I think it was -- he was really  
17 trying to get back at me.

18 Q. I'm talking about when you wrote your  
19 letter to Mr. Barker.

20 A. Yes. Well, I'm about to tell you. You  
21 asked me about Mike Strength. Mike  
22 Strength get to work, I guess, about 5:00  
23 in the morning or 6:00. And this

1 particular morning, I guess, about 9  
2 o'clock, he had asked me to go outside.

3 It was like a trailer, and it had some  
4 bricks and things up on the side of the  
5 trailer. But up under the walk thing  
6 there, it was two bags -- two boxes of  
7 trash can liners out there in the morning.  
8 And when I went out there to move the  
9 bricks and things, I seen them out there.

10 So I went back in and told Mr. Dotson  
11 about it. Mike sent me over there to move  
12 the bricks, and I -- I had -- the bags were  
13 right by them. And I went back in there,  
14 and I told Mr. Dotson about them.

15 So he told me to go outside and pick  
16 them up. And I picked them up, and I  
17 brought them in to his office. Later on  
18 that day, I seen the bags in Mike  
19 Strength's office.

20 I believe Mike Strength placed those  
21 bags out there.

22 Q. I don't exactly understand. What was wrong  
23 with bags being out by the bricks? It may

1 just be because I don't understand the  
2 setup of Logistics, but what was the  
3 problem with the bags being outside?

4 A. No. Listen to me. These bags was outside,  
5 whole cases of bags, and they was placed  
6 under there where he sent me to get the  
7 bricks from.

8 Q. Okay. What was wrong with that?

9 A. Why would the trash bags be on the outside  
10 of the building up under the walk? Two  
11 boxes of bags, brand new boxes.

12 Q. And you said you thought he was doing that  
13 to get back at you?

14 A. That's a setup. I guess he thought I was  
15 going to take the bags or something.

16 Q. Oh, you think he put bags outside --

17 A. He did that.

18 Q. -- to entice you to take bags?

19 A. Yeah, that's what he did. He left them  
20 there.

21 Q. Okay.

22 A. And I picked them up -- Well, I went and  
23 told Mr. Dotson about it, and he told me to

1 bring them inside. I carried them on the  
2 inside and gave them to him.

3 Later on that day, I checked. The bags  
4 was in Mike Strength's office.

5 Q. Why do you believe Mike Strength was trying  
6 to set you up?

7 A. Anything negative he always do. I mean,  
8 who put them out there but him? I never  
9 found out what happened with them.

10 Q. Had you made some complaints about Mike  
11 Strength during this time or before this  
12 time?

13 A. These complaints have been off and on.

14 Q. Okay. What about Mr. Todd? Before you  
15 wrote this letter to Mr. Barker, other than  
16 not hiring you for the Laborer 3 position  
17 or, I guess, giving you an interview for  
18 the Laborer 2, what had he done that you  
19 didn't like?

20 A. He really -- He didn't do anything to me.

21 Q. Did y'all get along pretty well, you and  
22 Mr. Todd?

23 A. Yeah. I just told him, go ahead and do my

1 job.

2 Q. You also say that whites are promoted over  
3 blacks no matter how inexperienced they  
4 are. Who are you referring to?

5 A. Ronnie Cosby.

6 (Defendant's Exhibit 11 was marked  
7 for identification.)

8 Q. Let me show you what I've marked as Exhibit  
9 11 and tell me what this is.

10 A. That morning, Mike had give us some  
11 instructions to pick up some computers that  
12 was -- I used Andre Glover and Terrell  
13 because they was standing there. And he  
14 was telling me what -- how I should do.

15 And the only thing I was doing was --  
16 after he had gave me the instructions what  
17 to do, only thing I was doing, walking  
18 away, which was about as far as from --  
19 about ten yards, ten, you know, yards away  
20 from him.

21 You know, I knew what I had to do.

22 Mr. Dotson had already told us what we had  
23 to do. And he was coming back and telling

1       us what -- the way he wanted it to be  
2       done.

3               The only thing I was doing, walking  
4       off, because I knew what I had to do, and  
5       that's when he yells at me about me walking  
6       away from him.

7       Q.    This is a memo that you wrote to Mr. Todd,  
8       right?

9       A.    Uh-huh.  (Positive response.)

10      Q.    And Mr. Dotson was already gone.  He had  
11      moved over to another position, correct?

12      A.    Uh-huh.  (Positive response.)

13      Q.    What you've written here is that Mike  
14      Strength asked you-all to cut the boxes  
15      open and write the serial numbers off the  
16      computers.

17      A.    Uh-huh.  (Positive response.)

18      Q.    Are you saying that that was fine with you  
19      because Mr. Dotson had already shown you  
20      how to do that?

21      A.    Yeah.  We had our -- We had what we had to  
22      do.  Mr. Dotson didn't -- Let me go back to  
23      this.

1           Mr. Dotson didn't like nobody doing  
2           anything unless he look over it hisself and  
3           show you exactly how he wanted it.

4       Q.    Okay.

5       A.    He had already planned and had the serial  
6           numbers and everything wrote down. We had  
7           what we had to do and ready to go. I  
8           didn't need to -- We didn't need to hear  
9           nothing else from Mike because it was going  
10          to be a conflict there.

11           We had to do what the director said.  
12          Mike only assigned the trucks, so there  
13          wasn't no need in him telling me nothing  
14          else because I wasn't going to do that no  
15          way, because I had to do what the director  
16          had given me.

17       Q.    Is that what you told him?

18       A.    I didn't say anything. I just walked off.

19       Q.    It says: I explained to him that  
20           Mr. Dotson had already bar coded each  
21           computer and had written a record of each  
22           number.

23       A.    And I walked away.

1 Q. So you did say something to Mr. Strength  
2 after he gave you some instructions?

3 A. Yeah.

4 Q. Wasn't Mr. Dotson already gone by this time  
5 and Jacky Todd was the director?

6 A. Yeah, but it was still under his name.

7 Q. Okay.

8 A. Those computers were issued out to  
9 Mr. Dotson.

10 Q. What was your problem with just doing what  
11 Mr. Strength said?

12 A. That wasn't the problem.

13 Q. Tell me what the problem was. That's why  
14 I'm asking.

15 A. It wasn't a problem. I'm doing what the  
16 director before -- I mean, Jacky Todd had  
17 just came in. The computer was sent --  
18 Mr. Dotson had gave us the instruction. I  
19 think they was working there together. His  
20 days might have been ending. The director  
21 have told us to go do these computers like  
22 this.

23 Q. Which director? Mr. Dotson?



1 A. Mr. Dotson. Jacky Todd probably was just  
2 working there till -- a few days and then,  
3 you know, Mr. Dotson was going to be gone.  
4 But at this point in time, we was  
5 delivering the computers and he the one  
6 that given us the work to do.

7 Q. And so you told Mr. Strength that, and he  
8 said to you, Mr. Dotson doesn't run this  
9 department, it's how I want it done?

10 A. Yeah. That was his statement, because I  
11 walked off.

12 Q. Did you have a problem with his statement,  
13 that this is how he wanted it done?

14 A. The director was still in place.

15 Q. So --

16 A. Listen. The director, his time hadn't  
17 expired yet. He still -- he the one -- If  
18 he wasn't there, he wouldn't have given us  
19 this paperwork to get done.

20 Q. It says Mr. Dotson doesn't run this  
21 department --

22 A. That's what the statement -- what Mike  
23 Strength was saying.

1 Q. Was he incorrect when he said that?

2 A. Yes, because Mr. Dotson was still -- that's  
3 how we got the paper, from Mr. Dotson.  
4 With the computer, he had drawn it out and  
5 showed us what to do.

6 But he was leaving. And Mike Strength  
7 was saying that, you know, he don't run the  
8 place. True, we knew he was leaving. But  
9 the computers were still in his name, you  
10 know.

11 Q. Did Mr. Dotson leave in the middle of the  
12 year or did he leave at the beginning of  
13 the school year?

14 A. I don't know was it at the end or the  
15 beginning. I really can't recall.

16 Q. You don't remember if he was -- if they  
17 were switching out -- if Jacky Todd and  
18 Donald Dotson were changing positions in  
19 the middle of the school year? You don't  
20 remember that happening?

21 A. No.

22 Q. What was the reason you walked away from  
23 Mr. Strength?

1 A. I already had my orders.

2 Q. From Mr. Dotson?

3 A. Yes.

4 Q. But you agree Mr. Dotson was not your boss  
5 at that time?

6 A. He was still acting director.

7 Q. Okay.

8 A. Jacky Todd was taking over.

9 Q. You sent the memo to Jacky Todd?

10 A. Yes. He probably was the director during  
11 that time. After that --

12 The computers came in under  
13 Mr. Dotson's name, and I think it was like  
14 a large sum of money where that he wanted  
15 it to be done right, and that's how he left  
16 it with that.

17 Q. But Mr. Strength was your immediate  
18 supervisor?

19 A. Yes.

20 Q. And he was the one that assigned the job?

21 A. The jobs comes down from the director, and  
22 the director tells Mike Strength and he  
23 comes out and tells us.

1 Q. Did you make mention of -- or did he make  
2 mention of your race during this incident?

3 A. No.

4 Q. Do you think it had anything to do with  
5 your race?

6 A. I guess it was just showing authority, I  
7 guess.

8 Q. Is it true that a meeting was held on  
9 January 7th with you, Jerry Morris, Mark  
10 Casillas and Mr. Barker?

11 A. Yes.

12 Q. Is this a different meeting that's referred  
13 to in paragraph 22 of your complaint, or is  
14 it the same meeting? It's on page seven.

15 A. It's the ...

16 Q. I think there's a conflict in the dates.  
17 Look at paragraph 23 where you talk about a  
18 January 20th meeting.

19 Let me ask it like this. You wrote  
20 your letter -- your December 1st letter and  
21 sent it to Mr. Barker, right?

22 A. Yes.

23 Q. Is the next thing that happened that there

1           was this meeting with you and Jerry Morris,  
2           Mr. Barker and Mark Casillas?

3       A.    Yes.  I think Jacky Todd, too, was in  
4           there.

5       Q.    Was it over here at the Board?

6       A.    Yes.

7       Q.    Did you have two meetings that involved  
8           Jimmy Barker and Mark Casillas and Jerry  
9           Morris and maybe Jacky Todd during the  
10          same --

11      A.    No.  One meeting with Jimmy Barker, Jacky  
12          Todd, Jerry Morris, and one meeting with  
13          just Jimmy Barker.

14      Q.    Okay.  You told me about a meeting that  
15          happened after you applied for the Laborer  
16          2 position, right?

17      A.    Uh-huh.  (Positive response.)

18      Q.    And then we talked about a meeting that  
19          happened after you sent your December 1st  
20          letter.

21      A.    Yeah, the meeting about -- that's what I'm  
22          saying, the Laborer 2, that was just with  
23          Jimmy Barker and Jerry Morris.

1 fine. I'll get him to tell me that.

2 What's Mr. Barker's race?

3 A. Black.

4 Q. And what's his position?

5 A. Assistant superintendent.

6 Q. Is he over human resources?

7 A. I guess he over all the Board.

8 Q. And is it your understanding that Exhibit  
9 10, your December 1st letter, is that what  
10 led to this meeting?

11 A. 10?

12 Q. Exhibit 10.

13 A. Yeah.

14 Q. Did you-all talk about Exhibit 10 during  
15 that meeting? Do you remember?

16 A. I don't recall that.

17 Q. Were any of the men that you just talked  
18 about disrespectful to you during that  
19 meeting?

20 A. No.

21 Q. Do you feel like they listened to what you  
22 had to say?

23 A. They listened, but I think Jacky Todd had

1           some expression on his face. He about the  
2           only one.

3       Q.   What kind of expression do you feel like he  
4           had on his face?

5       A.   I was discussing -- I was -- I can't recall  
6           the discussion. But, you know, he went to  
7           turning red in the face and started  
8           crossing his legs, making these  
9           different -- he was sitting across in front  
10          of me. Jerry Morris was sitting on the  
11          side of me. He was making these kind of  
12          expressions on his face.

13      Q.   During that meeting, do you remember if  
14          Mr. Todd said anything that disagreed with  
15          something that you said?

16      A.   I think it might have been a disagreement,  
17          something that ...

18      Q.   I mean, did he say, Bobby, you know you're  
19          not telling the truth or I don't agree with  
20          what you're -- did he say anything that  
21          indicated that he disagreed --

22      A.   He didn't verbally say anything.

23      Q.   He didn't verbally say anything?

1 A. No.

2 Q. Do you know what action, if any, that they  
3 took in response to your letter in that  
4 meeting?

5 A. I think they called Mike Strength in, and  
6 he had admitted to these things.

7 Q. Do you know what he admitted to?

8 A. He had admitted to some of these  
9 allegations. I don't know exactly what.  
10 He had to, because the allegations had been  
11 made. He had -- They had to call him in.

12 Q. Okay.

13 A. So they gave him a written warning or  
14 verbal warning or something because he  
15 admitted it.

16 Q. Do you know what he admitted to?

17 A. No.

18 Q. I know what allegations you made in your  
19 letter. Are you talking about the stuff in  
20 your December 1st letter?

21 A. Oh, yes.

22 Q. Okay. Do you know who called him in?

23 A. Jimmy Barker had called him in.



1 Q. How do you know that he got called in?

2 A. I just know. Jerry Morris told me.

3 Q. Okay. How do you know that he got a  
4 written or verbal warning?

5 A. Because Jerry Morris told me. He had to  
6 find -- He had to tell me something.

7 Q. Okay. When you were at that meeting, did  
8 Mr. Barker or Mr. Casillas or Mr. Todd tell  
9 you what they were going to do to try to  
10 resolve this issue?

11 A. Mr. Barker said give him two weeks and he  
12 will get back with me.

13 Q. Okay. Did he do that?

14 A. No, it was longer than two weeks.

15 Q. But did he --

16 A. But he said -- that's how I found out  
17 this -- He told Jerry Morris. Jerry Morris  
18 got with me.

19 Q. Okay. So Mr. Barker contacted Jerry Morris  
20 about your complaint, and Jerry talked to  
21 you about it?

22 A. Yeah.

23 Q. Did you have a problem with the way it was

1 resolved or the way it was handled?

2 A. I don't think it was handled quick enough,  
3 and I think Mike retired -- I think they  
4 let him stay -- I think they would have  
5 fired him if it had been anybody else.  
6 They let him stay there until he got his  
7 retirement in. I really think that  
8 happened.

9 Q. Do you know when he retired?

10 A. No. Some guys told me a few days ago. I  
11 don't know exactly. Maybe in May or  
12 something. I don't know.

13 Q. Do you know whether or not Mark Casillas  
14 conducted 22 interviews in your department  
15 during that month of January to investigate  
16 your complaint?

17 A. No.

18 Q. Do you know if he conducted any interviews  
19 with your co-workers about your complaint?

20 A. No, I don't.

21 Q. Do you know if he talked to Betty Smith  
22 about the Laborer 3 interview?

23 A. No.

1 Q. Do you know if anyone confirmed your story  
2 to Mark that Mike Strength put his feet in  
3 your face during the meeting?

4 A. No, I don't.

5 Q. Do you know if any of your co-workers told  
6 Mark that you were bossy and too difficult  
7 to get along with?

8 A. I had heard that -- I don't even know the  
9 guy's name that went down to Mr. Casillas'  
10 office when I was working in the mail room  
11 and told him that I wasn't a team player or  
12 something.

13 Q. Who told you that?

14 A. I can't recall.

15 Q. After you had your meeting with Mr. Barker,  
16 Mr. Todd, Mr. Casillas, Jerry Morris, did  
17 you notice a change in the way that things  
18 were done in Logistics or in your  
19 department?

20 A. After all those meetings, Jacky Todd  
21 came -- they moved me over to the mail  
22 room. And I worked by myself for -- till I  
23 got terminated from the job.

1 Q. Is it true or false that Jacky Todd began  
2 handing out assignments to make sure that  
3 the work was being distributed evenly  
4 instead of Mike Strength?

5 A. I don't know the answer to that.

6 Q. And so after those meetings, you said that  
7 Mr. Todd moved you over to the mail room.

8 A. Yes.

9 Q. And did he approach you and ask you about  
10 taking it over or did he just move you?

11 A. Well, he just came to me and asked me did I  
12 want to work in the mail room, drive the  
13 mail truck. I said, yeah, I'll do it.

14 Q. Did you ever tell him that you didn't want  
15 to work over there?

16 A. No.

17 Q. Did he tell you he thought you would be  
18 good in that position?

19 A. Yes.

20 Q. Did he ever mention anything about that  
21 would get you out of the warehouse?

22 A. I can't recall that.

23 Q. Okay. And so when he first offered it, you

1 Q. And the rest of the time, you are off on  
2 your own, going to the different --

3 A. I'd run a route, and he'd run a route.

4 Q. Did you have any problems with what your  
5 job duties were when you moved over to the  
6 mail room?

7 A. No.

8 Q. I think you just mentioned something  
9 about -- you said that Mr. -- or somebody  
10 made some complaints about you not being a  
11 team player, I think, to Mark Casillas. Is  
12 that what you just told me?

13 A. Yes. I think the two guys in the mail  
14 room --

15 Q. Who were they?

16 A. I can't recall. It was an older guy.

17 Q. Who is Lee Walker?

18 A. That's one of them. I think he over the  
19 mail room now. And what's the older guy?

20 Q. Was there a Matthew Sledge?

21 A. Yeah, that's him. They was friends --  
22 Matthew Sledge is a 70 year-old man which  
23 couldn't read that well. Didn't know what

1 he was doing. And Lee Walker is the white  
2 guy, and he would help this guy. So they  
3 was friends all that time. I didn't need  
4 no help with that.

5 Q. And Matthew Sledge, what's his race?

6 A. Black.

7 Q. What was his position?

8 A. Mailman. I mean, he just drive a mail  
9 truck.

10 Q. Okay.

11 A. But he was an old guy. He needed that.  
12 And they became friends. I didn't need  
13 that help. I didn't need you to read  
14 nothing for me. I don't need you to load  
15 my mail bag.

16 Q. Okay.

17 A. And so that's how they end up down there to  
18 what Lee --

19 This old lady was over the mail room.

20 Q. Is that Ruth Simersky?

21 A. Yeah. And Lee Walker wanted to get -- I  
22 was aggressive. I could do any of it  
23 because of the training I had.

1 Q. And he got Matthew Sledge to go down to  
2 Mark Casillas and say some stuff about you?

3 A. Yeah.

4 Q. Okay. Do you recall a meeting shortly  
5 after you came to work in the mail -- work  
6 with the mail with you, Lee Walker, Ruth,  
7 Matthew, and Jacky Todd?

8 A. Yes.

9 Q. What was that meeting about?

10 A. I've forgot.

11 Q. Let me ask you if you remember this, and if  
12 you don't, that's fine. During that  
13 meeting, did Matthew Sledge make the  
14 statement that you weren't a team player or  
15 words to that effect?

16 A. Yes, that's what they say.

17 Q. Okay. Did he say that in front of you?

18 A. He told Jacky Todd that. And when we  
19 got -- now, some of -- He had told Jacky  
20 Todd. They went into Jacky Todd's office,  
21 and they had discussed it.

22 And when I -- When all of us went in  
23 there, he said that I done got better. And

1 I don't know what he meant by that.

2 Q. He who said that?

3 A. Sledge. You know, I don't know what  
4 they -- I never knew what they was talking  
5 about. I never knew what they want from  
6 me, talking about a team player, because  
7 all of this was individual work.

8 Q. Okay. I know you just said he said you got  
9 better.

10 A. Yeah, because they had made the statement  
11 down to Mark Casillas that I wasn't a team  
12 player.

13 Q. Did he say in that meeting that you weren't  
14 a team player?

15 A. I can't recall that. Only thing I can  
16 recall, that he -- he said that -- I think  
17 he said that I have gotten better. And I  
18 don't know what he meant by that because of  
19 the fact there's nothing you could do. I  
20 mean, everybody is on their own.

21 Q. Did you make the statement during that  
22 meeting that you were used to working by  
23 yourself because of the job that you had



1 Q. The one where you worked for 19 years?

2 A. Yes, working over there at the Board.

3 Q. Do you remember talking about working for  
4 19 years?

5 A. No, I didn't discuss that.

6 Q. Do you know how he knew that you had  
7 another job where you worked for 19 years?

8 A. I guess he knew from another guy, just like  
9 I knew Mike Strength was a fireman.

10 Q. A fireman?

11 A. Yeah. He retired from the fire department,  
12 started working at the Board.

13 Q. Before you came to the mail room, did you  
14 have any problems with Tommie Williams?

15 A. We had some words together. We -- What had  
16 happened, when I first came on board,  
17 Mr. Dotson had told me that the people  
18 thought we was one of the dumbest crews  
19 around. And I told him, I don't -- I can't  
20 justify that. And Tommie was one of these  
21 people that can't write his name.

22 So we -- What happened, they had taken  
23 an L-shaped desk aloose that goes in -- you

1 know, L-shape. Take it aloose, and we  
2 carried it over to Fairview West to  
3 Dr. Coleman's office -- to a doctor's  
4 office.

5 And he couldn't figure out how to put  
6 the desk back together to fit it in the  
7 corner, and Dr. Coleman was going to show  
8 him. And I told him, you know -- it was  
9 embarrassing.

10 Q. Okay.

11 A. You know, if you tell him about it -- What  
12 happened, he had been there 13 years. He  
13 the one that had a key. He the one that's  
14 in charge.

15 Q. Are you talking about Tommie?

16 A. Yeah.

17 Q. Okay.

18 A. You know, that's the way they do things.  
19 You know, you just coming on, you've got to  
20 do what -- whether it's right or wrong.  
21 And that's how -- that's what we -- He got  
22 mad about that, because it was very, very  
23 embarrassing to me to be at a doctor's

1 office, a professional person like that,  
2 and you can't even put an L-shaped desk  
3 back together and put it in a corner.

4 Q. What was Tommie Williams' position?

5 A. A Laborer 1 or something.

6 Q. What was his race?

7 A. Black.

8 Q. Did you say something to Tommie about being  
9 embarrassed about the situation at the  
10 doctor's office?

11 A. Yes. I told him.

12 Q. What did you --

13 A. You know, I wanted to -- What happened,  
14 when Dr. Coleman -- I just walked back  
15 outside. He had been there 13 years. I'd  
16 just got there. It was an easy work task  
17 to do.

18 And I told him, I said, you need to let  
19 somebody help you and listen and you could  
20 learn something, you know. But 13 years  
21 and I'd just got there, and he can't put a  
22 desk back together, just a regular desk?

23 Q. So all you said was, just let me help you?

1 A. Tried to help him. You know, this was on  
2 several occasions.

3 Q. Did he get angry with you?

4 A. Yeah. You see, he told me I couldn't work  
5 with him. He would go in there -- Like we  
6 go into the school. You supposed to go by  
7 the office to sign in, and you're supposed  
8 to address yourself. He'd go in there  
9 using slang words and things.

10 Q. When did Tommie Williams say you can't work  
11 with him?

12 A. I don't recall. We always worked together.

13 Q. I thought you just said that he said he  
14 told me I couldn't work with him.

15 A. I guess he had told someone else in the  
16 office that I couldn't work with -- you  
17 know, I couldn't work with them or him or  
18 something like that because of the way the  
19 things was being done. And I was, you  
20 know, just voicing my opinion with --  
21 amongst them.

22 It wasn't that -- I was trying to  
23 correct the problem and help. It wasn't

1 Q. I don't know her race.

2 A. I don't even know who she is. But I think  
3 she might be a black -- I might have spoke  
4 to her or something, but that's it. I  
5 don't really know.

6 Q. You don't recall any problem that you  
7 had --

8 A. No, I never talked with her.

9 Q. -- when Ms. Meeks asked you to do something  
10 and you said you weren't going to do it?

11 A. What would she ask me to do?

12 Q. I don't know. I'm asking if you know.

13 A. I don't know. I don't recall.

14 (Defendant's Exhibit 12 was marked  
15 for identification.)

16 Q. We'll move on. Let me show you what I've  
17 marked as Exhibit 12 and tell me what that  
18 is.

19 A. What is this?

20 Q. Is that your evaluation?

21 A. Evaluation.

22 Q. And who performed that evaluation?

23 A. Donald Dotson's name is up here.

1 Q. And on page one of that document, he gave  
2 you satisfactories in all but one area  
3 which was cooperation; is that correct?

4 A. Uh-huh. (Positive response.)

5 Q. And cooperation is described as  
6 consideration of other employees' work,  
7 working with others, et cetera; is that  
8 right?

9 A. Yes.

10 Q. Did he talk to you about your evaluation  
11 when he did it?

12 A. Yes.

13 Q. Did he talk to you about that one area  
14 where he said you needed improvement?

15 A. Well, he mentioned it. I'm quite sure he  
16 mentioned it. That's the only thing ...

17 Q. Do you recall what he said about that?

18 A. I just gave you an example. All those guys  
19 was incompetent peoples on the job. It  
20 just need rebuilding over there. It's the  
21 system situation.

22 Q. Do you remember if he told you why he  
23 marked you as needing improvement in that

1 area?

2 A. No.

3 Q. On page two of that document, he wrote:

4 Must work on issues that develop conflict  
5 with other employees while on duty. I have  
6 seen much improvement lately. Needs to  
7 enhance communication and interpersonal  
8 skills when working on tasks that require a  
9 collaborative effort of manpower. Is that  
10 right?

11 A. That was his opinion.

12 Q. Okay. Would it be fair to say that in his  
13 opinion, you did not get along well with  
14 your co-workers?

15 A. I don't know what you call getting along.

16 Q. I'm sorry. I didn't understand you.

17 A. No, I'm not saying that I don't get along.  
18 I think I got along.

19 Q. Okay. Is it fair to say that in his  
20 opinion, you had a problem in that area?

21 A. In his eyesight.

22 Q. Okay. But you disagreed with that  
23 assessment?

1 A. Exactly.

2 Q. Did you tell him that?

3 A. He didn't ask that question.

4 (Defendant's Exhibit 13 was marked  
5 for identification.)

6 Q. Okay. Let me show you what I've marked as  
7 Exhibit 13 which is your January '04  
8 evaluation, and that was performed by  
9 Mr. Todd, right?

10 A. Uh-huh. (Positive response.)

11 Q. And is it correct that he also felt you  
12 needed improvement in the area of  
13 cooperation?

14 A. I think it just was a copy of -- I think he  
15 just copied Mr. Dotson's evaluation. I  
16 mean, that -- Yes.

17 Q. Thank you. And he also said that you  
18 needed improvement in the area of  
19 acceptance of constructive criticism  
20 and interest; is that correct?

21 A. Yes.

22 Q. Did he talk with you about that?

23 A. He just discussed what he ...



1 Q. What did he say?

2 A. He said where the N's are at, we need to  
3 work on those problems. I said okay and  
4 signed it and left.

5 Q. That's all there was to that?

6 A. Yeah.

7 Q. Did you agree with his assessment?

8 A. No.

9 Q. Did you agree with his assessment that you  
10 were satisfactory in all other areas?

11 A. Yes. I mean, like I said, I just feel like  
12 that he just copied off Mr. Dotson's.  
13 That's the only thing I think.

14 Q. Do you know any reason why he would do  
15 that?

16 A. Yeah, because of these problems, probably  
17 what they had coming up for me.

18 Q. But he marked you satisfactory in the  
19 majority of the areas; is that correct?

20 A. Yeah.

21 Q. Do you believe that Mr. Todd was out to get  
22 you?

23 A. I mean, I got terminated, and they hired

1           ugly about this man and woman that were  
2           released when you were released?

3       A.    No.

4       Q.    But you got along with them pretty well?

5       A.    Yes.

6                               (Defendant's Exhibit 14 was marked  
7                               for identification.)

8       Q.    Let me show you what I've marked as Exhibit  
9           14, which is your May 5th, 2004 evaluation  
10          also performed by Mr. Todd?

11               Yes?

12       A.    Yes.

13       Q.    Okay. And, again, he felt you needed  
14          improvement in the areas of cooperation as  
15          well as acceptance of constructive  
16          criticism; is that correct?

17       A.    Yes.

18       Q.    But he did not -- He marked you  
19          satisfactory in the area of interest where  
20          he had marked you needs improvement on your  
21          previous evaluation; is that correct?

22       A.    Yes.

23       Q.    Okay. Did he talk with you about your

1 Q. Do you think he thought that you were the  
2 best person for that position?

3 A. I would think so, the best qualified -- I  
4 mean, I would have been the best qualified  
5 person or I wouldn't have applied for the  
6 job.

7 Q. Okay.

8 A. That's just like me going to apply for a  
9 Laborer 4 or 5 job. I'm not going to  
10 qualify for the job because it's a  
11 technician job.

12 Q. Are you saying that Ronnie Causey was  
13 disqualified for the job?

14 A. All he do is clean up. He don't have -- I  
15 don't know if he even have a high school  
16 degree. I don't know that.

17 Q. Do you know if Ronnie Causey was  
18 unqualified for that job? I understand you  
19 think you were better qualified. Do you  
20 know that he was unqualified?

21 A. I don't know the answer to that.

22 Q. Okay. How did you find out that you were  
23 going to be non-renewed?

1 A. The morning when I walked in.

2 Q. Do you know if Mr. Strength made the  
3 decision to non-renew you?

4 A. No, I don't.

5 Q. Do you believe he did?

6 A. He had something to do with it.

7 Q. How do you know that?

8 A. No question it was discussed between them.

9 Q. Do you know?

10 A. I don't know.

11 Q. Is it your understanding that Mr. Todd was  
12 the one that made the recommendation to  
13 Dr. Carter as to who was going to be  
14 nominated in Logistics?

15 A. I'm quite sure.

16 Q. Okay. And is it your understanding that  
17 Dr. Carter made the recommendation to the  
18 Board as to who should be nominated in the  
19 school system?

20 A. I guess.

21 Q. Okay. And your understanding is that the  
22 Board approved those recommendations?

23 A. Yes.

1 Q. And we've already talked about that you  
2 agreed that it was their right to do that  
3 as long as it wasn't for an illegal  
4 reason.

5 A. Yes.

6 (Defendant's Exhibit 15 was marked  
7 for identification.)

8 Q. Let me show you what I've marked as Exhibit  
9 15, and you said that you received that  
10 letter when you arrived at work one  
11 morning.

12 A. Uh-huh. (Positive response.)

13 Q. I'm sorry?

14 A. Yes.

15 Q. And was it June 25th? Do you remember if  
16 the letter was dated the same day that you  
17 got it?

18 A. Well, it's got education meeting -- the  
19 meeting was June the 24th.

20 Q. Okay.

21 A. But it was effective July -- well, I think  
22 they paid me like a few -- As a matter of  
23 fact, you know, he paid me a few weeks on,

1 and I think --

2 It was effective, what? June the  
3 24th. I know he paid me for a couple more  
4 weeks or something.

5 Q. Did you continue to work?

6 A. No.

7 Q. Did anybody tell you that you were being  
8 non-renewed because you were black?

9 A. No.

10 Q. Did anybody tell you you were being  
11 non-renewed because you had made  
12 complaints?

13 A. No.

14 Q. What evidence besides your beliefs do you  
15 have that you were non-renewed because of  
16 your race?

17 A. What evidence?

18 Q. Do you believe you were non-renewed because  
19 you're black?

20 A. Yes.

21 Q. Okay. And what evidence do you have that  
22 that was the case?

23 A. Oh, no.

1 Q. Go ahead.

2 A. No, no. I want to strike that.

3 Q. I'm sorry?

4 A. No, I don't want to answer that. I don't  
5 know the answer to that.

6 Q. Do you believe that you were non-renewed  
7 because you're black? You don't want to  
8 answer to that one?

9 A. No.

10 Q. You claim in your lawsuit that that was one  
11 of the reasons that you were non-renewed.  
12 Were you aware of that?

13 A. Yes.

14 Q. Do you believe that you were non-renewed  
15 because you were black? Do you think that  
16 was one of the reasons?

17 A. Yes.

18 Q. And do you have any evidence to support  
19 that belief?

20 A. I don't know.

21 Q. Do you have any evidence that you were  
22 non-renewed because of your complaints that  
23 you made?

1 A. I don't know that.

2 Q. But you do agree that both black or white  
3 co-workers went and made complaints about  
4 you? Whether or not you believe they were  
5 true, do you believe that that happened?

6 A. I don't know. I mean, how would I know? I  
7 mean, I know what you just said.

8 Q. I thought you told me that you knew that  
9 Lee --

10 A. No, I don't know that, but I felt like  
11 that's what happened. I don't know that he  
12 went there.

13 Q. Okay.

14 A. That's the only way -- I mean, I don't know  
15 if he did that because I didn't see him do  
16 it.

17 Q. Did Mark Casillas tell you that Lee Walker  
18 and Matthew Sledge came to see him about  
19 you not being a team player? Because I  
20 didn't know that. Where did you get that  
21 information from? I got that from you.

22 A. Either Mark told me that or Jacky told me  
23 that. Somebody told me that. I don't



1 know.

2 Q. Do you have any reason to disbelieve the  
3 statement that your co-workers complained  
4 to your superiors about you? I know that  
5 you wouldn't have been in the room when it  
6 happened, but do you believe that it  
7 happened at all?

8 A. I don't know. I don't know.

9 Q. Your complaint says that you're suing the  
10 Board for race discrimination and  
11 wantonness, for training and supervision.  
12 Who do you believe was improperly trained  
13 and supervised?

14 A. I believe Mike Strength was.

15 Q. And who improperly trained him and  
16 supervised him?

17 A. I don't think he had training.

18 Q. And whose fault was that?

19 A. The Board.

20 Q. Anybody else?

21 A. No, that's all.

22 Q. Jacky Todd?

23 A. He's just a director. The Board hired

1 him. Jacky Todd didn't hire him.

2 Q. Okay. Jimmy Barker?

3 A. Jimmy Barker hired him.

4 Q. Okay. Mark Casillas?

5 A. That's the personnel director, yes.

6 Q. And we've already talked about this. The  
7 only positions you didn't get besides  
8 Laborer 3 in November was the Laborer 2  
9 before that. Are those the only two  
10 positions that you applied for that you  
11 didn't get because of your race?

12 A. Yes.

13 Q. I'm sorry?

14 A. Yes.

15 Q. Is there anything besides the Laborer 2,  
16 Laborer 3, Mike Strength making you do  
17 things that you did not think were right,  
18 anything else that's a part of your claim  
19 of race discrimination?

20 A. No.

21 Q. Do you know Carlinda Purcell?

22 A. Yes. Well, not personally.

23 Q. Has she done anything to you personally

1           that you're suing her for, or are you just  
2           suing her because she's the new  
3           superintendent?

4       A.    No.

5       Q.    She hasn't done anything to you personally?

6       A.    She hasn't done anything.

7       Q.    Okay. And you know Jimmy Barker?

8       A.    Yes.

9       Q.    And why are you -- What did he do that you  
10           thought was wrong?

11      A.    Well, he lied to me about the interview.

12      Q.    I thought you told me that he didn't know  
13           about the interview.

14      A.    No. He knew about the interview -- I'm  
15           getting my days mixed up. He knew about  
16           the interview --

17      Q.    Let me see if I can jog your memory. You  
18           had a Laborer 2 interview -- I'm sorry.  
19           You had a Laborer 2 application, and you  
20           didn't get an interview for it.

21                   You and Jerry Morris went and talked to  
22           Jimmy Barker, and Jimmy Barker told you  
23           that he wanted to make sure everything was

1           because he didn't know.

2       Q.    Okay. Did he ever refuse to meet with you  
3           or Jerry when you wanted to talk about  
4           whatever problems you were having?

5       A.    No.

6       Q.    Was he ever rude or disrespectful to you?

7       A.    No.

8       Q.    And Mark Casillas, what did he do that you  
9           didn't like?

10      A.    Oh, I applied for different jobs and he  
11           never would consider me. I even applied  
12           for a custodian job, and he never would  
13           return any call. They'd always say he was  
14           out of the office. I'd stop by to talk to  
15           him, and he never got back with me.

16      Q.    Was he ever rude or disrespectful to you?

17      A.    No.

18      Q.    What about Jacky Todd? I know about the  
19           Laborer 3 position. I know about the  
20           Laborer 2 position. What else did he do  
21           that you didn't like?

22      A.    Well, he conducted --

23      Q.    And the non-renewal, of course.

1       A.     Well, he could have let me go on and --  
2             when he could have corrected me -- I mean,  
3             he could have corrected the problem before  
4             he -- he had all these meetings. I think  
5             he could have just met with me and see.

6             But it was like he got his team  
7             together and then bring me in like I'm on  
8             trial. I don't think he handled that  
9             right.

10       Q.     Okay. But he never said anything --

11       A.     Verbal.

12       Q.     He never called your name, though, did he?

13       A.     No.

14       Q.     Did he write you up?

15       A.     No.

16       Q.     I think you're talking about the meeting  
17             where --

18       A.     I've never been wrote up.

19       Q.     And Mike Strength, I think we've covered  
20             pretty much that he gave you assignments  
21             that you did not think were appropriate.

22       A.     Uh-huh. (Positive response.)

23       Q.     You told me about a couple of comments that

1 he made in your presence. Is there  
2 anything else that we haven't talked about  
3 that you didn't like that you think Mike  
4 Strength did?

5 A. No.

6 Q. And is there anything else that anybody on  
7 the Board did that you thought was  
8 inappropriate and that you would be suing  
9 us for?

10 A. No.

11 MS. HARRELL: I'm very close to  
12 being finished. I promise.

13 A. I have a question. Can I ask a question?  
14 Martha Meeks --

15 MS. BATTLE-HODGE: Just let her  
16 ask and you just answer.

17 Q. Tell me how you've been affected by what  
18 the Board or any of these defendants that  
19 you've sued have done to you.

20 A. Well, first of all, when I -- when all  
21 these allegations and different things was  
22 going around and I wasn't getting good  
23 results, I began to get -- I got high blood

1 A. Yes.

2 Q. You disagree that you had problems with  
3 both white and black co-workers --

4 A. Yes.

5 Q. -- while you were working at the Board?

6 A. Yes.

7 Q. Do you agree or disagree that you worked  
8 better on an individual basis than with a  
9 group of people?

10 A. I could work under any circumstance.

11 Q. Do you have a preference?

12 A. No.

13 Q. Do you agree or disagree that it's  
14 important for an employee to get along with  
15 his co-workers?

16 A. Yes.

17 MS. HARRELL: Those are all my  
18 questions.

19 Anything?

20 MS. BATTLE-HODGE: Nothing. Thank  
21 you.

22 MS. HARRELL: Thank you,  
23 Mr. Garrison.